

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 206 - SB 443

February 14, 2013

SUMMARY OF BILL: Reorganizes Tenn. Code Ann. § 24-9-136 relative to persons before whom depositions may not be taken. Repeals prohibition that depositions cannot be taken before a court reporter who currently has or has had within the previous two years a sexual relationship with one of the parties or with an attorney for one of the parties. Repeals provision allowing parties to enter written stipulation under Rule 29 of the Tennessee Rules of Civil Procedure, allowing a deposition to be taken before those court reporters normally prohibited under Tenn. Code Ann. § 24-9-136.

Court reporters are prohibited from the following:

- Entering into contractual agreements for more than one case at a time;
- Offering an economic or other advantage to one party or attorney without offering the same advantage to all parties or attorneys;
- Basing compensation on the outcome of the proceeding;
- Offering their services if the payment for those services will be made contingent upon the outcome of the proceeding;
- Entering into a contractual relationship with any insurer, self-insured entity, individual, or association where the terms of the agreement offer discounted rates in exchange for exclusive or preferential treatment for future court reporting services;
- Allowing the format, content, or body of the original transcript to be manipulated to increase the cost of the transcript; and
- Providing additional advocacy or litigation support services—e.g., trial preparation, deposition summaries, non-published transcripts.

Gives attorneys and parties the right to an itemized statement of all rates and charges for court reporting services prior to commencement of any proceeding for the purpose of negotiating better rates. Penalizes a violation of the section by voiding the transcript resulting from the violation, disciplinary proceedings before the board of court reporting, and fines for violations (\$5,000 for a first violation, and \$5,000 plus an additional \$2,500 for second and subsequent violations).

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

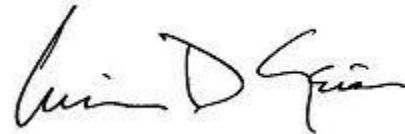
HB 206 - SB 443

Assumptions:

- According to the Administrative Office of the Courts (AOC), the bill will not have a significant impact.
- The Board of Court Reporting is supported by fee revenue. Any costs incurred due to increased disciplinary action will not be significant.
- Any instances of fine assessments or collections will be minimal. Therefore, any revenue impact to the Board of Court Reporting will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', written in a cursive style.

Lucian D. Geise, Executive Director

/trm